IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 255 OF 2006

Sanjay Tejmal Bora ...Applicant

V/s

The State of Maharashtra & anr ...Respondent.

Mr.Nitin Pradhan with Ms. S.D. Khot for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 4th May, 2006

P.C.

1. This is an application for anticipatory bail filed by the applicant who has an apprehension that he is likely to be arrested in connection with C.R. No.12 of 2005 which is registered at R.P.F. Police Station, Diwa under section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.

2. It is contended that the learned Magistrate had remanded the applicant to the R.P.F. Custody and that such an order was clearly illegal since it was against the provisions of Section 8 of the Railway Protection Force Act, 1957 read with section 167 sub-clause(2) of the Criminal Procedure Code.

3. By order dated 20/1/2006, this Court was pleased to grant anticipatory bail to the applicant and the matter was adjourned in order to enable the learned Counsel appearing on behalf of the applicant and the learned APP for the State to make their submissions on the second ground which was raised by the applicant. Accordingly, the learned Counsel for the applicant and the learned APP for the State have made their submissions at length and the judgment was reserved.

4. In my view, it is not necessary to answer the second submission which has been raised by the learned Counsel appearing on behalf of the applicant as it would be an academic discussion since the application for anticipatory bail has been allowed by this Court by order dated 20/1/2006 and the application is allowed as per the order dated 20/1/2006.

5. Application is accordingly disposed of.

V.M. KANADE, J.